

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

632 METACOM, INC. d/b/a HOMETOWN TAVERN, individually and on behalf of all others similarly situated,

DEFENDANTS

CERTAIN UNDERWRITERS AT LLOYD'S, LONDON SUBSCRIBING TO POLICY NO. XSZ146282,

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER
Darren T. Kaplan, Kaplan Gore LLP, 1359 Broadway, Suite 2001, New York,
NY 10018, (212) 999-7370

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. § 1332(d)(2)

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes Judge Previously Assigned

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

| | | TORTS | ACTIONS UNDER STATUTES | | | |
|--|--|--|---|---|--|--|
| CONTRACT | PERSONAL INJURY | PERSONAL INJURY | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES | |
| [x] 110 INSURANCE | [] 310 AIRPLANE | [] 367 HEALTHCARE/ | [] 625 DRUG RELATED | [] 422 APPEAL | [] 375 FALSE CLAIMS | |
| [] 120 MARINE | [] 315 AIRPLANE PRODUCT | PHARMACEUTICAL PERSONAL | SEIZURE OF PROPERTY | [] 28 USC 158 | [] 376 QUI TAM | |
| [] 130 MILLER ACT | LIABILITY | [] 365 PERSONAL INJURY | 21 USC 881 | [] 423 WITHDRAWAL | [] 400 STATE | |
| [] 140 NEGOTIABLE INSTRUMENT | [] 320 ASSAULT, LIBEL & SLANDER | PRODUCT LIABILITY | [] 690 OTHER | [] 28 USC 157 | REAPPORTIONMENT | |
| [] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT | [] 330 FEDERAL EMPLOYERS' LIABILITY | ASBESTOS PERSONAL INJURY PRODUCT LIABILITY | | | [] 410 ANTITRUST | |
| [] 151 MEDICARE ACT | [] 340 MARINE | | PROPERTY RIGHTS | [] 820 COPYRIGHTS | [] 430 BANKS & BANKING | |
| [] 152 RECOVERY OF DEFECTUALTED STUDENT LOANS (EXCL VETERANS) | [] 345 MARINE PRODUCT LIABILITY | | [] 830 PATENT | [] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION | [] 450 COMMERCE | |
| [] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS | [] 350 MOTOR VEHICLE | [] 370 OTHER FRAUD | [] 840 TRADEMARK | [] 840 TRADEMARK | [] 460 DEPORTATION | |
| [] 160 STOCKHOLDERS SUITS | [] 355 MOTOR VEHICLE | [] 371 TRUTH IN LENDING | | | [] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO) | |
| [] 190 OTHER CONTRACT | PRODUCT LIABILITY | | | | [] 480 CONSUMER CREDIT | |
| [] 195 CONTRACT PRODUCT LIABILITY | | ACTIONS UNDER STATUTES | SOCIAL SECURITY | | [] 490 CABLE/SATELLITE TV | |
| [] 196 FRANCHISE | CIVIL RIGHTS | [] 360 OTHER PERSONAL INJURY | LABOR | [] 861 HIA (1395ff) | | |
| | | [] 362 PERSONAL INJURY - MED MALPRACTICE | [] 380 OTHER PERSONAL PROPERTY DAMAGE | [] 862 BLACK LUNG (923) | | |
| | | | [] 385 PROPERTY DAMAGE | [] 863 DIWC/DIWV (405(g)) | | |
| | | | PRODUCT LIABILITY | [] 864 SSID TITLE XVI | | |
| | | | | [] 865 RSI (405(g)) | | |
| REAL PROPERTY | | PRISONER PETITIONS | PRISONER CIVIL RIGHTS | | | |
| [] 210 LAND CONDEMNATION | [] 441 VOTING | [] 463 ALIEN DETAINEE | [] 710 FAIR LABOR STANDARDS ACT | [] 870 TAXES (U.S. Plaintiff or Defendant) | [] 890 OTHER STATUTORY ACTIONS | |
| [] 220 FORECLOSURE | [] 442 EMPLOYMENT | [] 510 MOTIONS TO VACATE SENTENCE | [] 720 LABOR/MGMT RELATIONS | [] 871 IRS-THIRD PARTY | [] 891 AGRICULTURAL ACTS | |
| [] 230 RENT LEASE & EJECTMENT | [] 443 HOUSING/ACCOMMODATIONS | 28 USC 2255 | [] 740 RAILWAY LABOR ACT | [] 876 26 USC 7609 | | |
| [] 240 TORTS TO LAND | [] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT | [] 530 HABEAS CORPUS | [] 751 FAMILY MEDICAL LEAVE ACT (FMLA) | | | |
| [] 245 TORT PRODUCT LIABILITY | | [] 535 DEATH PENALTY | [] 790 OTHER LABOR LITIGATION | | | |
| [] 290 ALL OTHER REAL PROPERTY | [] 446 AMERICANS WITH DISABILITIES - OTHER | [] 540 MANDAMUS & OTHER | [] 791 EMPL RET INC SECURITY ACT (ERISA) | | | |
| | | | | | | |

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?

IF SO, STATE:

DEMAND \$ 5,000,000 + OTHER Decl. & Injunc JUDGE Ronnie Abrams DOCKET NUMBER 1:20-cv-03107

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

| | | | | | | |
|---|---|--|---|---|---|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation (Transferred) | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge |
| | | | <input type="checkbox"/> a. all parties represented | | | |
| | | | <input type="checkbox"/> b. At least one party is pro se. | <input type="checkbox"/> 8 Multidistrict Litigation (Direct File) | | |

(PLACE AN x IN ONE BOX ONLY)

1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION 4 DIVERSITY
(U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.**CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

| | | | | | | | |
|--------------------------|---------------------------------------|----------------------------|---|---|---|----------------------------|----------------------------|
| CITIZEN OF THIS STATE | PTF [] 1 | DEF [] 1 | CITIZEN OR SUBJECT OF A FOREIGN COUNTRY | PTF DEF [] 3 [] 3 | INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE | PTF [] 5 | DEF [] 5 |
| CITIZEN OF ANOTHER STATE | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE | <input type="checkbox"/> 4 <input type="checkbox"/> 4 | FOREIGN NATION | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

632 Metacom Inc dba Hometown Tavern, 632 Metacom Ave., Warren, Bristol County, RI 02885

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

CERTAIN UNDERWRITERS AT LLOYD'S, LONDON SUBSCRIBING TO POLICY NO. XSZ146282, c/o Mendes and Mount, LLP 750 Seventh Avenue, New York, NY 10019

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTANDATE May 19, 2020 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT # /s/Darren Kaplan

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

 YES (DATE ADMITTED Mo. October Yr. 1992)
Attorney Bar Code # DK-8190

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)